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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,510	11/14/2003	Thomas M. Sauter	KCOS121897	9834

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,510

Applicant(s)

SAUTER, THOMAS M.

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 4-14, 21 and 22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-26 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 15-20 and 23 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/16/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

1. Applicant's election without traverse of Species II (as illustrated in figure 3) in the reply filed on Nov. 30, 2005 is acknowledged.

Claims 4-14, 21 and 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species.

An office action on claims 1-3, 15-20, 23 and newly added claims 24-26 follows.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: numerals 218, 220 in figure 3, as referenced on page 11, line 20, and/or page 12, line 22; numeral 104 in figure 3, referenced on page 12, line 17 and numeral 106, referenced on page 12, line 18. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: on page 11, line 20, the specification refers to numerals 218, 220 as being stop-blocks, whereas on page 12, line 22, the same numerals are referred to as being cables. In the drawings associated with the described embodiments, these numerals do not appear as being either element. Applicant may desire to review the entire specification to ensure that the correct reference numerals are consistently used in describing the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bumgarner (US 5,758,895). Bumgarner teaches a binding having a base plate (2) configured to hold a boot, a toe strap (6, in general) configured to pass over a toe portion of a boot having an end (proximate 18) movable with respect to the base plate; an ankle strap (4 in general) having an end (proximate 20) movable with respect to the base plate; manually operated fasteners (e.g., 61, 62, 41, 42), manipulation of which may cause motion of the end of the strap not having the fastener (e.g., moving upwardly or downwardly), and a movable linkage (8) connecting the movable ends of the toe and ankle straps.

6. Claims 1, 15, 19, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Laughlin (US 5,692,795). Laughlin teaches a binding system including a base plate (12) with a cable assembly (54, 56, 58, 60) which are different cables connected to each other (at 82) and movable with respect to the base plate; the base plate configured to hold a snowboard boot (80); a first (toe) strap (16) connected at one end to a cable (56) and a second (ankle) strap (18) connected at one end to a cable (58), a manually operated fastener (32) which operates the second (ankle) strap and causes it to be secured to the base plate, to the breadth claimed, operation of the fastener securing both straps against a snowboard boot (figure 1); the operation causing travel of the cable up to the point at which straps 16, 18 are in contact with the boot, at which point further operation of the fastener increases tension in the cable portions without causing any further movement; and wherein travel of the cable portion connected to the second, ankle strap (e.g., under withdrawal of the ankle strap) causes

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movements in the cable associated with the first, toe strap, the fastener including an over center biasing device (34, 36, 38) which places a tension on the cables (e.g., figure 7) resisting the travel thereof.

7. The examiner notes that a substantial number of applicant's submitted independent claims are anticipated by the prior art. Many of the difficulties encountered in the prosecution of patent applications may be alleviated if each applicant includes, at the soonest possible time, claims varying from the broadest to which he or she believes he or she is entitled to the most detailed that he or she is willing to accept.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin in view of Collombin et al. (US 4,060,256). The reference to Laughlin is discussed above and fails to teach the travel of the cable being limited by the use of a stop block on the cable. Collombin et al. teach that it is very old and well known to provide a cable (e.g., 38) with a stop block (40) engaging a relatively fixed element (e.g., 2, note figure 12) to limit travel of the cable. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least the toe cable of the binding taught by Laughlin with a travel-limiting stop element as taught by Collombin et al. for the purpose of preventing excess motion of the cable, and thus preventing the strap portion, for example, from becoming substantially disengaged from the base plate.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin in view of Biermann et al. (US 4,142,735). The reference to Laughlin is discussed above

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and fails to teach the provision of a spring element interposed between a stop block on a cable and a stop feature on the base plate. Biermann et al. teach an old and well known biasing device for a cable (17) which is provided with a stop block (18) fastened thereto, wherein a spring (20) is positioned between the stop block and a stop feature (e.g. the wall portion proximate 43) on a plate. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a spring biasing device as taught by Biermann et al. proximate an end of the cable of the binding arrangement taught by Laughlin (e.g., proximate either the ends of cables 54, 56, 58, 60 at fastener 28, or the ends at straps 16 and 18) between the ends and a base plate portion for the purpose of providing a pretension to the cables, thus setting a cable position associated with the non-latched condition of the fastener 28.

Allowable Subject Matter

11. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. Claims 24-26 are allowed.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ottierei (US 4,949,479), Fournier (US 5,556,123), Hansen (US 6,003,893), Hansen et al. (US 6,065,770), Elkington (US 6,938,913), and Bazzi (US 6,955,362), and Perregaux (CH 694,631) teach binding devices of pertinence.
14. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.
Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
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A handwritten signature in black ink, appearing to be 'F. Vanaman', with a date '4/15/06' written below it.